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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st July, 1978:—

BILL No. 103 OF 1978

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1978. Short title.
2. In the Preamble to the Constitution, after the words "DEMOCRATIC", the word "FEDERAL", shall be inserted. Amendment of Preamble.
3. In article 1 of the Constitution and thereafter wherever it occurs in the Constitution, for the word "Union", the word "Federation" shall be substituted. Amendment of article 1.
4. In the proviso to article 3 of the Constitution, for the words "for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.", the words "and the" Amendment of article 3.

Legislature has consented to the proposals contained in the Bill by adopting a resolution to that effect by a simple majority and has forwarded such resolution to the President." shall be substituted.

Amend-
ment of
article
200.

5. In article 200 of the Constitution,—

(i) the words "or that he reserves the Bill for the consideration of the President" shall be omitted;

(ii) second proviso shall be omitted.

Omission
of article
201.

6. Article 201 of the Constitution shall be omitted.

Substitu-
tion of
article
248.

7. For article 248 of the Constitution, the following article shall be substituted, namely:—

Residuary
powers
of legis-
lation.

"248. (1) The Legislature of any State has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or the Union List.

(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists".

Insertion
of new
article
248A.

8. After article 248 of the Constitution, the following article shall be inserted, namely:—

Reformu-
lation of
Seventh
Schedule
and real
autonomy
to states.

"248A. (1) Within two years after the commencement of this Constitution (Amendment) Act, the Lists in the Seventh Schedule shall be reformulated by Parliament by law so as to give greater and real autonomy to States.

(2) Any such law as is referred to in clause (1) shall, in particular, provide for—

(a) exclusive power of the Centre in the matter of defence, foreign relations including foreign trade, communications, currency and related matters and multi-State industrial, power and irrigation projects except their execution and implementation which shall be left to the States;

(b) coordination and issue of general directions by the Centre in the matter of planning, fixing of prices, wages, industries, industrial licensing, etc.;

(c) exclusive power of the State in the matter of law and order and the police and certain categories of industries;

(d) non-interference into the affairs of the States by the Centre with its own specially created forces such as Central Reserve Police or any other police force which the Centre may raise.

Omission
of article
249.

9. Article 249 of the Constitution shall be omitted.

10. After article 263 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 263A.

"263A. (1) The President shall by order establish a National Development Council in which all the States and the Centre shall have representation in the manner to be defined in the order, and any such order shall also define the nature of duties to be performed by the Council and its organisation and procedure.

Establishment of National Development Council and Planning Commission.

(2) The National Development Council shall determine the composition of the Planning Commission that may be constituted by the President by order and shall also define the nature of the duties to be performed by the Planning Commission and its organisation and procedure."

11. In article 270 of the Constitution, in clause (2), for the words "such percentage, as may be prescribed", the words "seventy-five per cent." shall be substituted.

Amendment of article 270.

12. Article 271 of the Constitution shall be omitted.

Omission of article 271.

13. In article 272 of the Constitution,—

(a) the words "if Parliament by law so provides" shall be deleted;

Amendment of article 272.

(b) for the words "any part", the words "seventy-five per cent." shall be substituted.

14. For article 273 of the Constitution, the following article shall be substituted, namely:—

Substitution of article 273.

"273. Seventy-five per cent. of the net proceeds in each year of export duty on jute and jute products shall be assigned to the States of Assam, Bihar, Orissa and West Bengal and, in lieu thereof, equivalent sums shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of these States."

Grants in lieu of export duty on jute and jute products.

15. After article 273 of the Constitution, the following new article shall be inserted, namely:—

Insertion of new article 273A.

"273A. Seventy-five per cent. of the revenues levied and collected by the Union, which are divisible between the Union and the States, shall be distributed among the States.

Division of revenues among States.

16. In article 280 of the Constitution, in clause (3),—

Amendment of article 280.

(i) for sub-clause (a), the following sub-clause shall be substituted, namely:—

(a) the proportion and the principles which would govern the allocation between the States of their respective shares of the seventy-five per cent. of the net proceeds of taxes which are to be or may be levied and collected by the Centre and are divisible between the Union and the States."

(ii) after sub-clause (b), the following sub-clause shall be inserted, namely:—

(bb) the according of more powers to the States for imposing taxes;”.

Amendment of article 289. 17. In article 289 of the Constitution, clauses (2) and (3) shall be omitted.

Omission of article 302. 18. Article 302 of the Constitution shall be omitted.

Omission of article 312. 19. Article 312 of the Constitution shall be omitted.

Amendment of article 348. 20. In article 348 of the Constitution,—
(i) the following clause shall be inserted after clause (1), namely:—

“(1A) Notwithstanding anything in sub-clause (a) of clause (1), every person shall be entitled to submit a petition to and address the Supreme Court, during the course of proceedings on his petition, in any of the languages specified in the Eighth Schedule, and in such cases adequate arrangement shall be made by the Supreme Court for translation and interpretation of such language in English:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by the Supreme Court.”;

(ii) in clause (2), the words “with the previous consent of the President” shall be omitted.

Substitution of article 350. 21. For article 350 of the Constitution, the following article shall be substituted, namely:—

“350. (1) Every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union in any of the languages specified in the Eighth Schedule.

(2) Every person shall be entitled to submit a representation in his mother tongue for the redress of any grievance to any officer or authority of the State in which he ordinarily resides.”.

Amendment of article 356. 22. Clause (5) of article 356 of the Constitution shall be omitted.

Amendment of article 360. 23. Clauses (3), (4) and (5) of article 360 of the Constitution shall be omitted.

Amendment of Seventh Schedule. 24. In the Seventh Schedule to the Constitution,—

(a) in List I, entries 2A and 97 shall be deleted;

(b) in List II, the following entry shall be added in the end, namely:—

“67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those Lists.”

STATEMENT OF OBJECTS AND REASONS

The question of Centre-State relations is crucial to the preservation of the unity and integrity of India within the framework of its linguistic, cultural and other diversities. The several linguistic and cultural groups that inhabit the country were united before Independence in their common aspiration for freedom from colonial bondage. They are today united in their common aspiration to build a prosperous life for themselves as well as to develop full national resources free from imperialist interference and according to their respective socio-economic, linguistic and cultural needs. The struggle for realising these common aspirations makes it incumbent on the Governments at the Centre and the States, the political parties and the people at large to recognise the need for unity in diversity.

The Constitution that emerged after Independence, though described as federal, was essentially unitary in character. It clothed the Centre with more powers at the expense of the autonomy of the States. That is why the "Concurrent" list has as many as 47 items. Since the adoption of the Constitution, the tendency had been to make greater inroads into the powers of States. This was facilitated by the fact that the same political party was in power at the Centre and in all the States, except for short durations and, that too, in only a few States.

During the last two decades, while the demand has been growing for greater powers to the States so as to make States' autonomy real and effective, there have been persistent efforts to erode even the limited powers of the States and reduce the democratic functioning of the Governments there. The right of the people to manage their affairs even within the limited sphere allotted in the States List of the Constitution has been sought to be reduced to a farce. For this purpose, all manner of pressures had been used, sometimes formally through the power of the Centre, sometimes indirectly by denying finances and other resources etc., to non-Congress Governments and by applying pressure on the Chief Ministers of the Congress Party through the organisation and leadership. During the last ten years, the Centre's tentacles have further spread to the States even in the sphere of law and order, which is formally a State subject, through the creation of the Central Reserve Police, the Border Security Force, the Industrial Security Force etc. By the 42nd Amendment to the Constitution, Education, which was State subject, was transferred to the Concurrent List. The process has now reached a stage when it threatens to reduce the States to the status of subordinate departments of the Centre under the aegis of the Central Home Ministry. The Emergency immensely accelerated the process. The actions taken in those twenty months sought to make it clear beyond doubt that the State Ministries and Legislatures faced the perpetual threat of being removed by hook or crook, if they did not toe the line of the Centre.

The issue of Centre-State relations has assumed a new significance in the changed political context. Different parties are in office in the different States and in the Centre. This is a welcome departure from the one-party authoritarian rule of the Congress. It is a part of the democratic aspirations of the people that federal principles should be correctly understood and applied so that this multiparty democratic pattern may survive.

In a country like India, with such diversities in race, religion, language and culture, national integration can be achieved only through conscious voluntary efforts. Devolution of powers may help ward off fissiparous tendencies instead of encouraging them. A strong and unified India can only be one in which the democratic aspirations and the distinctiveness of the people of the different States are respected and not treated with disdain. It is necessary to provide for strong States, but on no account there should be a weak Centre. The concept of strong States is not necessarily in contradiction to that of a strong Centre, once their respective spheres of authority are clearly marked out.

Hence the Bill.

CHITTA BASU.

NEW DELHI;
The 21st January, 1978.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 9(21)-B(R&A)/78, dated the 19th April, 1978 from Shri H. M. Patel, Minister of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Constitution (Amendment) Bill, 1978, proposed to be introduced by Shri Chitta Basu, M.P., recommends under articles 117(1) and 274(1) of the Constitution of India, the introduction of the said Bill in the Lok Sabha and also recommends under article 117(3) of the Constitution of India the consideration of the Bill by the Lok Sabha.

FINANCIAL MEMORANDUM

Clause 20 of the Bill entitles a person to submit his petition to and address the Supreme Court in any of the languages specified in the Eighth Schedule to the Constitution and requires the Supreme Court to make arrangement for translation and interpretation of such languages into English. Similarly, clause 21 entitles a person to submit a representation to the Union in any of these languages. Arrangement for translation and interpretation of all these languages into English is likely to involve a recurring expenditure of about rupees ten lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

BILL No. 51 OF 1978

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title and
Com-
mence-
ment.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1978.

(2) It shall come into force on such date retrospectively or otherwise as the Central Government may, by notification in the Official Gazette, appoint.

Insertion
of
new sec-
tion 7A.O
Disquali-
fication
for
refusal
to give
state-
ment
on oath
before
Commis-
sion. 1

2. After section 7 of the Representation of the People Act, 1951, the 43 of following new section shall be inserted, namely:— 1951.

“7A. A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State, if he or she as the case may be, refuses to give a statement on oath before any Commission of Inquiry, established by law.”.

STATEMENT OF OBJECTS AND REASONS

The Commissions of Inquiry Act, 1952 was enacted in order to authorise the Government to appoint an inquiring authority on any matter of public importance, whenever considered necessary or when a demand to that effect is made in the House of the People or in the Legislative Assembly of a State. If such an enquiry is with reference to any person who has been a member of the Council of Ministers of the Union or of any State, then the search for truth becomes all the more great. Where the inquiry is with regard to instances of abuse of power, arbitrary action and favouritism, then it becomes the duty of every citizen to help the Commission to arrive at the truth. As the law stands, the Commission constituted under the aforesaid Act has no power to take any action against the person who refuses to testify before it on oath. By the present amendment a disqualification clause is being inserted for those who refuse to testify and thereby create an obstacle by their stubborn attitude.

Hence the Bill.

NEW DELHI;

O. P. TYAGI,

The 24th February, 1978.

BILL No. 100 OF 1978

A Bill further to amend the Trade Unions Act, 1926.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Trade Unions (Amendment) Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force on such date or dates as may be notified by the appropriate Government in the Official Gazette and different dates may be fixed for different provisions and different areas.

Amend-
ment of
section 2

2. In section 2 of the Trade Unions Act, 1926 (hereinafter referred to as the principal Act),—

(a) after clause (a), the following clause shall be inserted, namely:—

‘(aa) “Inspector” means an Inspector appointed under this Act;’;

(b) after clause (c), the following clause shall be inserted, namely:—

‘(cc) “Recognised Union” means a Trade Union recognised under this Act, and certified to be the sole bargaining agent on

behalf of all the employees employed in a specific industry or establishment.’.

3. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 3A and 3B.

“3A. (1) The appropriate Government may, by notification in the Official Gazette, appoint such persons as possess the prescribed qualifications to be Inspectors for the purpose of this Act and may assign to them such functions and local limits as it may think fit.

Inspectors.

(2) Where there are more Inspectors than one, the appropriate Government may, by notification as aforesaid, prescribe the powers which such Inspectors shall respectively exercise.

45 of 1860.

(3) Every such Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be subordinate to the Registrar, or any other authority as the Government may specify in this behalf.

3B. Subject to any rules made in this behalf, an Inspector may, within the local limit for which he is appointed,—

Powers of Inspectors.

(a) enter, with such assistants, being persons in the service of the Government, or any local or other public authority, as he thinks fit, in the registered office of a Trade Union,

(b) examine Registers, Books of Accounts, Counterfoils of the Receipt Books of the subscription, Minute Books of the meetings of the Trade Union, and such other documents relevant for the purpose of verification of the membership of the Union, and

(c) exercise such other powers as may be prescribed for carrying out the purpose of this Act.”.

4. In section 4 of the principal Act, in sub-section (1), for the words “any seven”, the words “any twenty-five” shall be substituted.

Amendment of section 4.

5. After section 4 of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 4A.

“4A. Every Trade Union shall have to be registered with the Registrar of Trade Unions. appointed under the Act.”.

Compulsory registration.

6. In section 10 of the principal Act,—

(i) in clause (b),—

Amendment of section 10.

(a) the words “or has failed to submit duly audited statement of accounts within the stipulated time” shall be inserted at the end;

(b) after the proviso, the following further proviso shall be inserted, namely:—

“Provided further that while cancelling or withdrawing the registration on the application of the Trade Union, or

otherwise for any such reasons aforesaid in clause (b), the Registrar shall ascertain the assets, if any, of such Trade Unions and the same shall vest in the Registrar and shall be remitted by the Registrar to such body or bodies, constituted under any law for the time being in force, for the purpose of the welfare of the working class.”;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) Notwithstanding anything contained in any law for the time being in force, the cancellation of the registration of an Union shall not relieve the union or its office bearers or members of any penalty or liability incurred under the Act prior to such cancellation.”.

Amend-
ment of
section 11.

7. In section 11 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words “High Court” the words “Bombay Industrial Court constituted under section 10 of the Bombay Act XI of 1947, Industrial Relations Act, 1946, and in the States where the Bombay Industrial Relations Act, 1946 is not in force, the Industrial Tribunal constituted under section 7A of the Industrial Disputes Act, 1947” shall be substituted.

(ii) in clause (b) for the words “Court not inferior to the Court of an additional or assistant Judge of a principal Civil Court of original jurisdiction”, the words “Labour Court constituted under section 9 of the Bombay Industrial Relations Act, 1946, and in the States where Bombay Industrial Relations Act, 1946 is not in force, the Labour Court constituted under section 7 of the Industrial Disputes Act, 1947” shall be substituted.

(b) sub-section (4) shall be omitted.

Insertion
of new
Section
14A.

8. After section 14 of the principal Act, the following new section shall be inserted, namely:—

Recogni-
tion of
the
Unions.

“14A. (1) Where there are more than one Union functioning in one and the same factory or establishment or industry and on application being made by any Union fulfilling the requisite conditions, which may be prescribed, the Registrar or any other authority appointed in this behalf, on being satisfied, after making enquiries in prescribed manner regarding the eligibility of the Union for recognition, may issue a certificate of recognition and the Union so recognised shall be accepted by the employer as the sole bargaining agent on behalf of all the employees in the specified factory or establishment or industry for which it is so recognised, and no other Union or representative of the workmen or individual workman shall have any right to enter into any agreement on the matters of common interest of the

14 of 1948.

workmen or matters covered under Schedules II, III & IV of the Industrial Disputes Act, 1947, excluding item No. 3 of Schedule II, regarding discharge or dismissal of workmen including reinstatement of, or grant of relief to, workmen wrongfully dismissed for misconduct or by way of victimisation for Trade Union activities and any attempt by the employer shall be liable to be punished by fine which may extend to Rs. 500/- and imprisonment which may extend to six months or both.

(2) Without prejudice to the generality of the foregoing powers the appropriate Government may make rules providing for—

(i) appointing and empowering the Registrar or any other authority to recognise one Union on being satisfied that the Union fulfils the requisite conditions;

(ii) the conditions to be fulfilled by a Union for being recognised and the procedure to be followed for such recognition;

(iii) the acts and omissions which may be treated as unfair labour practice by the employers, employees or Trade Unions and remedy thereof and penalties for the same;

(iv) rights and responsibilities of the recognised Unions;

(v) functions of the Unions which are so recognised under the Act and their rights and responsibilities;

(vi) periodical verification of the actual membership of the recognised Unions on the basis of payment of subscription of the Union by its members; and

(vii) adopting the provisions contained in Chapter III of the Bombay Industrial Relations Act, 1946 or those of Chapter III of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 or framing any other provisions consistent with the aforesaid provisions of this Act.”.

Bombay
Act XI
of 1947.

Maha-
rashtra
Act I of
1972.

9. In section 20 of the principal Act, after the words “inspection by”, the words “an Inspector or” shall be inserted. Amend-
ment of
section 20.

10. In section 27 of the principal Act, in sub-section (2), for the words “divide the funds amongst the members in such manner as may be prescribed”, the words “recover and remit the same to such body or bodies constituted under any law for the time being in force, for the purpose of welfare of the working class” shall be substituted. Amend-
ment of
section 27.

11. In section 28 of the principal Act,—

(a) in sub-section (1), for the words “in the prescribed manner”, the words “by competent auditors authorised to audit the accounts of the companies under sub-section (1) of section 144 of the Companies Act, 1956” shall be substituted;

Amend-
ment of
section 28.

1 of 1956.

(b) in sub-section (3), the words "A copy of" shall be omitted and the words "for registration by the Registrar" shall be inserted at the end;

(c) in sub-section (4), after the word "Registrar," the word "Inspector" shall be inserted.

12. In section 33 of the principal Act, in sub-section (1), for the words "inferior to that of a Presidency Magistrate or a Magistrate of a First Class", the words "other than an Industrial Court constituted under section 10 of the Bombay Industrial Relations Act, 1946, and in the States where the Bombay Industrial Relations Act, 1946, is not in force, the Industrial Tribunal constituted under section 7A of Industrial Disputes Act, 1947" shall be substituted.

Bombay
Act XI
of 1947.
Bombay
Act XI
of 1947.
14 of
1947.

STATEMENT OF OBJECTS AND REASONS

The multiplicity of smaller Trade Unions in India has handicapped the growth of strong Trade Union movement and has resulted in unhealthy rivalry amongst the Union *inter se* telling adversely, in its turn, on the Industrial Growth and as observed by the National Commission on Labour, there is dire need of having one and only one recognised Trade Union to function in an industry or establishment as sole bargaining agent on behalf of all the employees.

Under the present Trade Unions Act, there is no provision for compulsory registration of the Trade Union nor for recognition of the Union as a sole bargaining agent, nor for inspection of the functioning of the Union. Non-submission of annual statement of accounts renders a Union liable to be cancelled but there is no control of the Registrar on the assets of the Union, the registration of which is to be cancelled.

The Bill seeks to remove these lacunae and make suitable provisions to achieve the objects of having proper check on the functioning of the Union by having compulsory registration, inspection machinery, and recognition of one and only one Union functioning at the time as sole bargaining agent of the workmen, and vesting assets of the Trade Union, which is cancelled in the State for applying in welfare of the working class.

Hence this Bill.

PRASANNBHAI MEHTA.

NEW DELHI;

The 21st February, 1972

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of Inspectors for checking the records of Trade Unions functioning in various establishments run by the Central Government. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees two lakhs and fifty thousands from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

BILL No. 104 OF 1978

A Bill further to amend the Factories Act, 1948.

WHEREAS it is expedient to provide for fair price shops, housing, excursions, reduction of working hours and empowering office bearers of Trade Unions to have the power of Inspectors and filing prosecution, etc.;

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Factories (Amendment) Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force on the date or dates which may be notified by the appropriate Government in the official gazette and different dates may be fixed for different provisions and different areas.

Short
title, ex-
tent and
com-
mence-
ment.

63 of 1948. 2. In section 8 of the Factories Act, 1948 (hereinafter referred to as the principal Act) after sub-section (4), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 8.

16 of 1926. “(4A) President, General Secretary and Secretaries of every Trade Union registered under the Trade Unions Act, 1926, which has completed or completes five years of existence and has got on their rolls living and paid membership of at least 25 per cent. of the total strength of workers working in the factory in which such Trade Unions are functioning, shall be Honorary Inspectors for the said factory.”

3. In section 9 of the principal Act, after the word “Inspector”, the words “or Honorary Inspector” shall be inserted.

Amend-
ment of
section 9.

Insertion
of new
sections
46A, 46B,
46C, 46D
and 46E.

4. After section 46 of the principal Act, the following sections shall be inserted, namely:—

Fair price
shops and
consumers
stores.

“46(1) The State Government shall make rules requiring that in any specific factory wherein more than two hundred and fifty workers are ordinarily employed, a fair price shop and consumer store shall be provided and maintained by the occupier for the use of the workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the date by which the said fair price shop and consumers store shall be provided;

(b) the standards in respect of construction, accommodation, furniture, appliances and equipments for the fair price shop and consumers store;

(c) the food-grains and other consumer goods to be supplied therein and prices which may be charged thereof and limit of credit facilities;

(d) the constitution of managing committee for the fair price shop and consumers store and representation of workers in the management of the fair price shop and consumer store;

(e) the delegation to the Inspector, Chief Inspector and Honorary Inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).

Housing
accommodation.

46B. (1) In every factory wherein more than two hundred and fifty workers are ordinarily employed, adequate and suitable housing accommodation shall be provided and maintained by the occupier for residence of the workers and their families.

(2) Such housing quarters shall provide adequate accommodation, shall be adequately lighted and ventilated, shall have electric fittings, water taps, latrine and bathrooms and shall be maintained in a sanitary condition and shall be repaired and white-washed periodically by the occupier.

(3) The State Government may make rules—

(a) prescribing the distance, location and standards in respect of construction, accommodation, fixtures to be provided under this section, and time limit for constructing the same;

(b) requiring the provision for the sanitation, cleanliness and rent to be charged for the quarters;

(c) requiring the occupier to avail of the facilities provided under various housing schemes including subsidised industrial housing scheme or hire purchase scheme etc.

46C. (1) In every factory wherein more than two hundred and fifty workers are ordinarily employed, the occupier shall provide for periodical joy-trips and excursions for each of the workers at least thrice in a year and the expenditure including expenses of transport and meals shall be borne by the occupier.

Joy-trips
and ex-
cursions.

(2) The Government may make rules for fixing the limit of distance for the trips and the time to be spent for the purpose and days on which such trips may be arranged.

46D. (1) In every factory wherein more than two hundred and fifty workers are ordinarily employed, the occupier shall recruit and always maintain at least 4 per cent of the total strength of the workers, subject to minimum of 10 and maximum of 100, from amongst the persons who are blind or physically handicapped or disabled and they shall be, if need be, trained for such type of jobs which they can conveniently perform and they shall be paid normal wages which the other workers in the factory on the similar jobs are being paid, and in any case, there shall not be any discrimination or adverse effect in their wages only because they are blind or physically handicapped or disabled.

Employ-
ment of
physically
handi-
capped or
disabled
persons.

(2) The Government may make rules—

(a) prescribing the categories of persons who may be treated as blind or physically handicapped or disabled and their enrolment and allocation to the factories;

(b) prescribing time limit for their training and facilities to be provided for such training.

46E. (1) In every factory wherein more than one hundred workers are ordinarily employed, the occupier shall arrange, on application being made by the concerned workman, for giving interest free advances not exceeding the amount of wages for three months of the concerned worker, for purchase of watches, cycles or medicines, or for payment of school or college fees for their children or such other contingencies which are helpful to and necessary for the worker to discharge his duties more effectively.

Interest-
free ad-
vances to
workers.

(2) The State Government may make rules which may provide for—

(a) conditions for eligibility of the workers for claiming such facilities for advances;

(b) mode or limit of payment and re-payment of such advances.”.

5. In section 51 of the principal Act, for the words “forty eight”, the words “forty” shall be substituted.

Amend-
ment of
section 51.

6. In section 52 of the principal Act, in sub-section (1),

Amend-
ment of
section 52.

(i) after the words “first day”, the words “and the last day” shall be inserted;

(ii) for the words “said day” wherever they occur, the words “said days” shall be substituted;

(iii) for clause (a), the following clause shall be substituted, namely:—

“(a) he has or will have holidays for two whole days on one of the three days immediately before and after the said days respectively, and”;

(iv) in the proviso, for the words “ten days consecutively without a holiday for a whole day”, the words “eight days consecutively without holidays for two whole days” shall be substituted.

Amend-
ment of
section
59.

7. In section 59 of the principal Act, in sub-section (1), for the words “fortyeight hours”, the words “forty hours” shall be substituted.

Amend-
ment of
section
71.

8. In section 71 of the principal Act, in sub-section (1), in clause (a), for the words “four and a half hours”, the words “four hours” shall be substituted.

Amend-
ment of
section
79.

9. In section 79 of the principal Act,—

(i) in sub-section (1),—

(a) In clause (i), for the words “twenty days”, the words “fifteen days” shall be substituted;

(b) In clause (ii), for the words “fifteen days”, the words “twelve days” shall be substituted;

(ii) in sub-section (5), in the proviso, for the words “thirty” and “forty”, the words “forty-five” and “sixty” respectively shall be substituted;

(iii) in sub-section (6):—

(a) for the word “fifteen”, the word “seven” shall be substituted;

(b) in the first proviso, for the word “thirty”, the word “fifteen” shall be substituted;

(c) in the second proviso, for the word “three”, the word “five” shall be substituted.

Amend-
ment of
section
106.

10. In section 105 of the principal Act,—

(a) in sub-section (1), the words “or Honorary Inspector” shall be added at the end;

(b) in sub-section (2) for the words “that of Presidency Magistrate or of a Magistrate of the first class” the words “a Labour Court or an Industrial Court constituted under section 9 or section 10 respectively of the Bombay Industrial Relations Act, 1946, and in the States where the Bombay Industrial Relations Act, 1946 is not in force, a Labour Court or an Industrial Tribunal constituted under section 7 or section 7A of the Industrial Disputes Act, 1947 respectively” shall be substituted.

Bombay
Act XI of
1947.

14 of 1947.

Amend-
ment of
section
107.

11. In section 107 of the principal Act, in sub-section (1), for the words “prescribed authority”, the words “Industrial Court constituted under section 10 of the Bombay Industrial Relations Act, 1946, and in the States where the Bombay Industrial Relations Act, 1946 is not in force, the Industrial Tribunal constituted under section 7A of the Industrial Disputes Act, 1947” shall be substituted.

14 of 1947.

STATEMENT OF OBJECTS AND REASONS

Directive Principles of State policy laid down in the Constitution of India, expect on the part of the State endeavours for amelioration of the working conditions of the toiling class and State assistance in creation of job opportunities not only for the persons who are physically fit but for those also who are physically handicapped and disabled.

Responsibilities of establishment of a social order expected from a welfare State should not be left to be shouldered by the State all alone, but should be shared by those who are sharing more from the prosperity of the nation and as such, some burden should be shifted on employers who are having concentration of wealth.

Accordingly, suitable provisions *viz.*,

- (i) fair price shops for checking the price rise;
- (ii) housing accommodation for better and peaceful family life;
- (iii) joy trips for recreation and community life;
- (iv) compulsory employment of physically disabled for dignified social life;
- (v) reduction of working hours for increasing productivity and creation of more job opportunities;
- (vi) credit facilities for necessities;
- (vii) enhanced leave with wages on uniform rate with smaller establishments;
- (viii) association of responsible Trade Unions with administration for effective implementation of the Act; and
- (ix) direct approach to court by Trade Unions for infringement of the Act;

are sought to be made in this Bill to achieve the aforesaid objects.

NEW DELHI;
The 21st February, 1978.

PRASANNBHAI MEHTA.

FINANCIAL MEMORANDUM

Clauses 4, 5, 7 and 9 of the Bill provide for financial assistance to workers, various commitments on the part of employers like enhanced leave with wages, reduced working hours, joy trips and various other amenities etc. Hence, the Bill, if enacted, is likely to involve a recurring expenditure of about rupees one and a half lakhs from the Consolidated Fund of India in case of Central Government factories.

A non-recurring expenditure of about rupees ten lakhs is also likely to be involved from the Consolidated Fund of India.

However, the amount of expenditure cannot be precisely estimated.

BILL No. 99 OF 1978

A Bill to provide for compulsory military training to all able-bodied citizens in the country

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training Scheme Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Military training shall be compulsory for all the citizens of the country irrespective of their caste, creed, sex, faith, employment or profession, who have reached the age of 15 years and above, except for disabled and physically unfit persons.

3. The Central Government shall, by notification in the Official Gazette, frame a scheme to be called the Compulsory Military Training Scheme for imparting military training to all the able-bodied persons to whom this Act applies, and the scheme, shall be administered and implemented by that Government through such officers and authorities as it may deem fit.

Short title, extent and commencement.

Applicability of the Act.

Power to make Scheme regarding Compulsory Military training.

STATEMENT OF OBJECTS AND REASONS

The armed aggression by Pakistan in 1971 on our motherland had taken heavy toll of our army. Our second line of defence-i.e. the Territorial Army and Border Security Force's courage to fight shoulder to shoulder with our Armed Forces in the battle field necessitates the need of imparting military training to all the able-bodied persons in the country which may be of immense use for the country in case of any aggression in future from any country and will also help in maintaining vigil on the vast borders of our country.

Hence this Bill.

PRASANNBHAI MEHTA.

NEW DELHI;

The 21st February, 1978

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for compulsory military training to all citizens except disabled and physically unfit persons. Clause 3 of the Bill contemplates the appointment of the various officers and authorities at Centre and State levels. It also provides for supply of necessary equipment for implementing the provisions of the scheme. All these provisions involve an initial non-recurring expenditure and also recurring expenditure in the shape of pay and allowances. The recurring financial requirements of the scheme may be approximately to the tune of rupees 25 lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees 25 lakhs is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to empower the Central Government to frame a scheme to carry out the purposes of this Act. The matters in respect of which the Government is required to prescribe the procedure are relating to the authorities of the scheme which are to be appointed, the training to be imparted, necessary material and equipment to be supplied etc. All these are matters of procedural nature. The delegation of legislative power is thus of a normal character.

BILL No. 93 OF 1978

A Bill to provide for compulsory voting by the electorate in the country.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Voting Act, 1978.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Every voter shall exercise his right of vote compulsorily when called for by the Election Commission:

Compul-
sory
voting by
voters.

Provided that a voter may be exempted from exercising his vote only when he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner testifying to such incapacity.

3. Failure to cast his vote shall render a person liable to a fine of rupees fifty or one day's simple imprisonment or both in the case of deliberate avoidance.

Penalty
for
failure
to cast
vote.

BILL NO. 71 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1978. Short
title.
2. In article 171 of the Constitution, in sub-clause (c) of clause (3), Amend-
the words “in such educational institutions within the State, not lower ment of
in standard than that of a secondary school, as may be prescribed by or article 171.
under any law made by Parliament” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

At present, under the Constitution only the teachers who are working in educational institutions within the State, not lower in standard than that of a secondary school are eligible to elect the members of the Legislative Council of the State from teachers' constituencies but those who are working in elementary schools, who form a great majority and whose problems are very much greater are excluded. If these teachers do not form the electorate, the elected councillors ordinarily are not obliged to take interest in their problems. As we have accepted franchise for all adults we have also to accept franchise for all teachers. Then only the elementary school teachers will get importance and they can demand their representatives to solve their problems.

Hence this Bill.

NEW DELHI;

P. RAJAGOPAL NAIDU.

The 21st March, 1978.

BILL No. 78 OF 1978

A Bill to provide for payment of pension by the Central Government to the marginal farmers and agricultural workers after their completing 70 years of age

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Marginal Farmers and Agricultural Workers' Pension Act, 1978. Short title and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "agricultural worker" means an agricultural worker who is landless and earns daily wages or wages on annual basis for working in agriculture or the widow of such an agricultural worker;

(b) "Block Development Officer" means an officer designated as Block Development Officer;

(c) "Government" means the Central Government;

(d) "marginal farmer" means a farmer owning not more than half hectare of wet land or one hectare of dry land or the widow of such a farmer;

(e) "pension" means old age pension;

(f) "prescribed" means prescribed by the Government.

Eligibility
for the
pension.

3. Every marginal farmer and every agricultural worker shall be eligible for an old age pension immediately after completing 70 years of age.

Quantum
of pension.

4. Such persons as specified in section 3, shall be paid by the Government Rs. 25 per month as an old age pension.

Applica-
tion for
pension.

5. Application for pension shall be made to the Block Development Officer in the prescribed form.

Procedure
to sanction
the pen-
sion.

6. On receiving an application for pension, the Block Development Officer shall make an enquiry into the facts of the application within a period of one month from the date of receipt of such application and after satisfying himself that the facts stated therein satisfy the provisions of the Act, sanction the old age pension and intimate the same to the applicant by registered post.

Mode
of pay-
ment of
pension.

7. The pension sanctioned under section 6 shall be paid every month by the Block Development Officer by money order.

Com-
mence-
ment of
payment
of pension.

8. The pension shall be paid to the applicant from the date of receipt of the application.

Accounts
of pension
and
annual
report.

9. All accounts regarding the old age pensions shall be kept by the Block Development Officer and annual report in this regard shall be sent to the Government.

Consolida-
ted annual
report
before
Parlia-
ment.

10. Consolidated report of all the blocks in the country shall be placed annually before the Parliament.

STATEMENT OF OBJECTS AND REASONS

Many of the marginal farmers and agricultural workers after continuously working on land till the age of 70 years, come to a retiring stage. Continuous and hard manual labour weakens them because of malnutrition and other factors. They are not in a position to work thereafter and their sons and daughters-in-law are not able to look after them properly mainly due to poverty. In many families they are utterly neglected and, therefore, suffer very much.

All the officials who work for 30 years and attain 58 years of age retire and get pension as a security in old age. The marginal farmer and agricultural workers labour hard for more than 50 years before reaching 70 years of age. They also require security at least at that old age.

Hence the Bill.

P RAJAGOPAL NAIDU.

NEW DELHI;

The 27th March, 1978.

FINANCIAL MEMORANDUM

There will not be more than 100 marginal farmers and agricultural workers and their wives who are widows in a block who have completed 70 years of age and if each of them is given Rs 25 per mensem or Rs. 300 per annum the expenditure in each block per annum will be not more than Rs 30 000. There are 5123 blocks in the country. Therefore the total amount to be given under this scheme will not exceed Rs. 15 crores. There will be no expenditure on establishment.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill requires the marginal farmer and the agricultural worker to apply for the old age pension in an application prescribed for it. This is a matter of detail only.

BILL No. 102 OF 1978

A Bill further to amend the Income-tax Act, 1961

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:--

1. This Act may be called the Income-tax (Amendment) Act, 1978. Short title.

43 of 1961

2. In section 53 of the Income-tax Act, 1961,—

(i) for the words "twenty-five thousand rupees", the words "fifty thousand rupees" shall be substituted;

(ii) in the proviso, for the words "rupees fifty thousand", the words "rupees one lakh" shall be substituted.

Amendment of section 53.

STATEMENT OF OBJECTS AND REASONS

Section 53 of the Income-tax Act, 1961 provides that where the full aggregate value of the consideration for which the transfer of capital assets is made does not exceed twenty-five thousand rupees the capital gain shall not be chargeable to income-tax.

The proviso to the above mentioned section however provides that where the aggregate of the fair market values of all capital assets owned by the owner does not exceed fifty thousand rupees the section shall not apply.

These exemptions were enacted in 1961. Since then the prices have soared up very high and value of rupee in terms of its purchasing power has gone considerably down. Hence it would be just, proper and equitable to raise these exemption limits to fifty thousand rupees and one lakh rupees respectively.

Hence this Bill.

R. D. GATTANI.

NEW DELHI;

The 28th March, 1978.

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274
OF THE CONSTITUTION OF INDIA

[Copy of letter No. 155(40)/78-TPL, dated the 11th April, 1978 from Shri H. M. Patel, Minister of Finance to the Secretary, Lok Sabha].

The President, having been informed of the subject matter of the proposed Bill, has recommended under clause (1) of article 117 and clause (1) of article 274 of the Constitution the introduction of the Bill in the Lok Sabha by Shri R. D. Gattani, M.P.

BILL No. 96 OF 1978

A Bill to provide for better utilization of the underground water resources for irrigation purposes

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Exploration and Utilization of Underground Water Resources Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the interest of agricultural development that Central Government should undertake country-wide exploration of the underground water resources for bringing more land under cultivation.

Short title, extent and commencement.

Expendiency of developing underground water resources.

Setting
up of a
Depart-
ment.

3. As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute, for the purpose of the Act, a separate Department with the necessary technical and non-technical complement of staff at the head quarters in New Delhi and a net work of field staff in different regions of the country, especially in dry farming and backward areas, to explore the availability of underground water for irrigation purposes.

Install-
ation
of
tubewells,
etc.

4. Where the existence of water suitable for irrigation and in adequate quantities is located, the Central Government shall instal tubewells and other water-lifting equipment to draw out available water.

Provision
of irriga-
tion
Channels.

5. The work of digging irrigation channels and making the water available to the lands for purposes of farming shall be undertaken by the State Government.

Grants-
in-aid to
States.

6. The Central Government shall provide grants-in-aid to the State Governments to undertake the work under the provisions of this Act.

Levy of
Cess.

7. The State Government shall levy a cess at a rate to be determined in consultation with the Central Government on the beneficiaries.

Setting
up of a
research
institute.

8. The Central Government shall set up a research institute to carry out studies on underground water resources.

STATEMENT OF OBJECTS AND REASONS

India has got a vast potential of underground water resources which can be utilized for irrigation purposes, especially in dry farming areas and backward regions. As yet there is no organisation in the country which has surveyed the underground water resources in a systematic way and no infrastructure has been built to utilise those resources for agriculture in a big way. So far only the rich farmers are utilising the underground water through their own tubewells. The general farming community, especially in dry areas, has not been able to tap the water resources underneath.

The proposed Bill enables the Centre and the States to take up exploration and utilisation of underground water resources for the benefit of the community in water scarcity and dry farming areas.

NEW DELHI;

The 11th April, 1978.

K. LAKKAPPA

FINANCIAL MEMORANDUM

Clauses 3 and 8 of the Bill when enacted will enable the Government to set up an all-India organisation with necessary research institute to undertake exploration and utilisation of underground water. Clause 4 provides for installation of tubewells, etc., by the Central Government and Clause 6 provides for grants-in-aid to State Governments. These activities will involve a recurring expenditure of about one crore of rupees from the Consolidated Fund of India.

A non-recurring expenditure of about five crores of rupees is also likely to be incurred to build the necessary infrastructure.

BILL NO. 97 OF 1978

A Bill to provide for the grant of loans and various subsidies to small farmers.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Farmers Assistance Act, 1978. Short title, extent and commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. It is hereby declared that it is expedient in the interest of the small farmers and agricultural development that the Union Government should extend loans and provide other subsidies to small farmers. Expediency of providing loans and other subsidies to small farmers.
3. In this Act, the “small farmer” means a farmer whose extent of agricultural land is 10 acres or less of dry land or 5 acres or less of wet land. Definition of small farmer.

Rate of
interest
on loan.

4. Loans shall be extended to the needy small farmers with reference to the cost of farming at a rate of interest not more than 4 per cent per annum.

Provi-
sion of
subsi-
dies.

5. Subsidies shall also be provided to the small farmers to enable them to procure agricultural implements, improved seeds, etc. at subsidized rates.

Market-
ing of
produce.

6. Co-operative societies shall render assistance to the small farmers in the marketing their produce.

Making
of rules.

7. The Government shall make rules under which the small farmers can obtain loans and subsidies and regulate the mode of their repayment in an easy manner.

STATEMENT OF OBJECTS AND REASONS

At present small farmers beset with financial difficulties are facing immense hardship in procuring loans to meet the cost of farming operations, in buying agricultural implements, improved seeds etc. and marketing their produce at prices commensurate with the cost of operations. It has become difficult for them to satisfy the rules prescribed by Co-operative Banks and Scheduled Banks in obtaining loans. The Bill enables them to obtain loans and other subsidies needed for their operations in easy manner and they are also assured of marketing facilities.

The Bill is thus intended to help the small farmers in all possible ways and is of wide socio-economic import like land reform legislations.

K. LAKKAPPA.

NEW DELHI;
The 12th April, 1978.

FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for grant of loans and subsidies to small farmers. This will involve a recurring expenditure of about ten crores of rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail, the delegation of power is of a normal nature.

BILL No. 98 OF 1978

A Bill further to amend the Special Marriage Act, 1954.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Special Marriage (Amendment) Act, 1978. Short title.
 - 43 of 1954. 2. In section 4 of the Special Marriage Act, 1954 (hereinafter referred to as the principal Act), in clause (c), for the words "twenty-one" and "eighteen" the words "twenty-five" and "twenty-one" respectively shall be substituted. Amendment of Section 4.
 3. In section 6 of the principal Act, sub-section (2) shall be re-numbered as clause (f) thereof and after clause (i) as so re-numbered, the following clause shall be inserted, namely:— Amendment of section 6.
- “(ii) A copy of such notice shall be served upon the parents, if alive of the parties giving the notice.”

STATEMENT OF OBJECTS AND REASONS

At present the minimum age under section 4(c) of the Special Marriage Act, 1954 is 21 years for the male and 18 years for the female. Experience has shown that this age should be raised. There have been cases where a female on just completing her 18th year applied for her marriage under the provisions of the Act and such marriages have been failure, because the consent given by such females was based upon immature understanding and experience.

The Act does not provide for notice of the proposed marriage to the parents of the couple. Of course, sections 5 and 6 of the Act do provide for a general notice but such a notice in no way fulfills the desired purpose and is often a mockery. The proposed amendment seeks to remove these defects.

Hence the Bill.

NEW DELHI;

R. D. GATTANI

The 17th April, 1978.

BILL NO. 94 OF 1978

A Bill further to amend the Industries (Development and Regulation) Act, 1951.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industries (Development and Regulation) Amendment Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

65 of 1951. 2. In section 18FB of the Industries (Development and Regulation) Act, 1951, after clause (5), the following clause shall be inserted, namely:—

Short
title
and
com-
mence-
ment.

Amend-
of
Section
18 FB.

“(6) Notwithstanding and in furtherance of the power to provide relief, the controller or the authorised person in charge of the management of an industrial undertaking shall give relief, make payments, part payments or *ex gratia* benefits to the creditors or claimants who belong to the small scale industrial sector or whose capital structure does not exceed Rs. 20 lakhs, and such payments shall be made in lump sum or in instalments or in such manner or during such period as the controller or the authorised person deems fit but the extent of such relief or payment shall not exceed rupees twenty-five thousand at one time.

STATEMENT OF OBJECTS AND REASONS

Under the Industries (Development and Regulation) Act, 1951 (Act No. 65 of 1951) the Government had acquired the power to take over the management or control of certain industrial undertakings. Under section 18FB, all liabilities of such industrial undertakings remain suspended till the notified order remains in force. However, experience has shown that payments to small creditors, depositors and small scale industries also stand frozen and have not been made for many years. In various cases, unauthorised payments have been made to large scale suppliers, while *bona fide* units, genuine depositors, share holders and small scale units whose total dues are not over Rs. 2 lakhs are denied the relief and payments of their dues and liabilities; not even small instalments of payments are made resulting in great hardship, suffering and financial crisis to the small scale industries and genuine depositors.

Thus the operation of the Act which, in the public interest, is meant to save sick industrial units, is resulting in and becoming the cause of suffering for several small scale industries, genuine depositors, suppliers and share holders because they are denied payments even in instalment or in part. In order to reduce financial burden on sick industrial units, under Government control, the proposed amendment provides for part payment, payment in instalments, with a ceiling of rupees twenty-five thousand each at a time.

At the same time, it is also sought to protect small scale industries, ancillaries and suppliers who are suffering and getting into financial crisis.

NEW DELHI;

VASANT KUMAR PANDIT.

The 2nd May, 1978.

Bill No. 105 of 1978

A Bill further to amend the Commissions of Inquiry Act, 1952.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

- | | |
|---|---|
| <p>1. (11) This Act may be called the Commissions of Inquiry (Amendment) Act, 1978.</p> <p>(2) It shall come into force at once.</p> <p>2. In section 5 of the Commissions of Inquiry Act, 1952, for sub-section (4), the following sub-sections shall be substituted, namely:—</p> | <p>Short title and commencement.</p> <p>Amendment of section 5.</p> |
|---|---|

45 of 1980.

“(4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may cause the offender to be detained in custody and may at any time on the same day take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to imprisonment of either description for a term which may extend to two years or to fine which may extend to two thousand rupees or both.

(4A) An appeal shall lie to the Supreme Court against any judgment of conviction passed under sub-section (4).”

STATEMENT OF OBJECTS AND REASONS

Of late it has become a common practice for certain persons to frustrate the objects of the Commissions of Inquiry Act, 1952 and the inquiries conducted by Commissions by adopting the simple device of refusing to testify before the said Commissions and then relying upon dilatory criminal proceedings in magistrates' courts. The Commissions of Inquiry are usually presided over by judges of eminence and experience and it is incongruous that they should have to file complaints before inferior criminal courts. It is essential to arm Commissions of Inquiry with necessary powers to prevent obstruction of their proceedings. Similar powers have been conferred upon the Lok Pal in the Lok Pal Bill, 1977 which is currently before the Parliament. The amendment serves the said purpose.

NEW DELHI;

RAM JETHMALANI.

The 10th June, 1978.

BILL No. 106 OF 1978

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1978.

Short
title
and
com-
mence-
ment.

(2) It shall come into force at once.

43 of 1951. 2. In the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), after section 10A, the following new section shall be inserted, namely:—

Insertion
of new
section
10B.

60 of 1952. "10B. (1) A person shall be disqualified if, having been duly summoned by a Commission of Inquiry constituted under the Commissions of Inquiry Act, 1952, he fails to furnish information on any point or matter as in the opinion of the Commission may be useful for or relevant to the subject-matter of any inquiry pending before the said Commission or he fails to discover or produce any document in his custody or power which is required by the Commission for the purposes of any such inquiry.

Disquali-
fication
for failure
to furnish
informa-
tion to a
Commis-
sion of
Inquiry.

(2) A certificate issued by the Commission declaring that any person has incurred the disqualification created by sub-section (1) shall be conclusive evidence for the purposes of the said sub-section that such a disqualification has been incurred".

3. In section 11 of the principal Act, after the word and figure "section 8A", the words and figure "or section 10B" shall be inserted.

Amend-
ment of
section 11.

STATEMENT OF OBJECTS AND REASONS

The Commission of Inquiry perform the function of holding a grand inquest on behalf of the nation. No person who aspires to public office can legitimately refuse to subject himself to interrogation on his own affairs or conduct or refuse to supply information which assists the inquest. Refusal to honour these two elementary obligations must be a disqualification for holding public office.

The Bill seeks to serve the said purpose.

NEW DELHI;
The 10th June, 1978.

RAM JETHMALANI

BILL No. 112 OF 1978

A Bill to provide for the fixing of a remunerative support price for sugarcane, pulses and other agricultural commodities

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Commodities Supporting Price Act, 1978.

(2) It extends to the whole of India.

Short title, extent and commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. The Central Government shall, in consultation with the Agricultural Prices Commission, announce in time the supporting prices for different agricultural commodities for different regions of the country before every agricultural season.

Announcement of prices.

3. The Central Government shall arrange for procurement of agricultural commodities, at the prices announced under section 2, through the agency of cooperative marketing societies.

Procurement of agricultural commodities.

STATEMENT OF OBJECTS AND REASONS

At present, due to the increased cost of farming operations, farmers, specially the small and marginal farmers, are not getting a remunerative price in respect of many agricultural commodities, particularly sugarcane and pulses. Sometimes, they are even forced to give up cultivation and switch over to other professions with the result that production of the respective agricultural commodities suffers. The Bill provides for fixing of a remunerative support prices for different agricultural commodities to assist the farmers in tiding over their economic problems and in marketing their produce.

NEW DELHI;
The 19th June, 1978.

K. LAKKAPPA.

FINANCIAL MEMORANDUM

Under Clause 2 of the Bill, the Agricultural Prices Commission has to function through a net work of regional offices in the country. These increased activities of the Commission will involve a recurring expenditure of about rupees five lakhs per annum from the Consolidated Fund of India. The Bill is not likely to involve any non-recurring expenditure.

AVTAR SINGH RIKHY,
Secretary.

